



February 10, 1999

Ms. Barbara Heptig
Assistant City Attorney
City of Arlington
620 West Division Street
Arlington Texas 76004-1065

OR99-0410

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122279.

The City of Arlington Police Department (the "city") received a request for records related to the investigation of a charge of intoxication assault arising out of an incident that occurred on January 10, 1998. You submit to this office the responsive information, and you raise as exceptions to disclosure of the requested information sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(1) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure . . . "information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime;

Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The city must release the types of information that are basic in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Having determined that most of the requested information is exempt from disclosure pursuant to section 552.108(a)(1), we need not decide whether to apply the other exceptions to disclosures that you raise. If, in the future, you receive a similar request for the information at issue after the prosecution of this case is concluded, please submit the request for information and your arguments to this office for a ruling. Section 552.352 (a) provides that it is a criminal offense to distribute information that is confidential under chapter 552 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 122279

Enclosures: Submitted documents

cc: Ms. Andrea Schwab Pittman
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(w/o enclosures)